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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,765	01/10/2002	Ryuzo Fujita	FUJM 19.330	7301

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EXAMINER

CLARK, ISAAC R

ART UNIT PAPER NUMBER

2154

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/043,765	Applicant(s) FUJITA, RYUZO	
	Examiner Isaac R Clark	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/10/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-9 are presented for examination.

Priority

2. The applicant claims foreign priority under from Application No. 2001-267780 filed 09/04/2001 in Japan.
3. The effective filing date for the subject matter in the pending claims in this application is 01/10/2002.

Drawings

4. The Examiner contends that the drawings submitted on 01/10/2002 are acceptable for examination proceedings.

Specification

5. The abstract of the disclosure is objected to because the abstract exceeds 150 words in length (172 words). A new abstract 50 to 150 words in length is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 3-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. As per claim 3, claim 3 recites the limitation "said request received from said client" in lines 5-6 of the claim. There is insufficient antecedent basis for this limitation

in the claim because claim 3 and claim 1 on which claim 3 indirectly depends recite more than request received from a client and it is ambiguous as to which request the limitation refers. For the purpose of examining the claim it is assumed that "said request received from said client" refers to the request recited in claim 1.

9. As per claim 4, claim 4 is rejected based on its dependency on claim 3.

10. As per claim 5, claim 5 recites the limitation "said request received from said client" in lines 2-3 of the claim. There is insufficient antecedent basis for this limitation in the claim because multiple requests received from said client are recited in claims 3 and claims 1 from which claim 5 and it is ambiguous as to which request the limitation refers. For the purpose of examining the claim it is assumed that "said request received from said client" refers to the request recited in claim 1.

11. Claim 5 recites the limitation "said request received for tentative termination" in lines 15-16 of the claim. There is insufficient antecedent basis for this limitation in the claim because a request for a tentative termination is recited in both claim 5 line 13-14 and in claim 3 from which claim 5 depends and it is ambiguous as to which request the limitation refers. For the purpose of examining the claim it is assumed that "said request for a termination" refers to the request introduced in claim 5.

12. As per claim 6, claim 6 recited the limitation "said request received from said client" on lines 9-10, lines 14-15, and line 24 of page 66. There is insufficient antecedent basis for this limitation in the claim because more than one request from the client is recited in the claim ("tentative termination" request on line 1 and "resumption request" on lines 4-5 on page 66).

13. Claims 7-9 are rejected based on their dependencies.
14. As per claims 3-9, no reasonably definite meaning can be ascribed to the claim language precluding the application of prior art to these claims.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Hesselink et al. (US Patent 6,499,054, "Hesselink").
17. As per claim 1, Hesselink discloses a server (Fig. 1B, 100) for controlling a controlled apparatus, serving as a control object, in accordance with a request received from a client 118, said server comprising: a database 120; a control-state-saving unit 112 for saving control information relevant to said request received from said client in said database (col. 9, lines 25-31); a job-continuing unit 112 for continuing a job of controlling said controlled apparatus on the basis of said control information, which is relevant to said request received from said client and is saved in said database (col. 5, lines 53-54); a job-data-saving unit 112 for saving response data received from said controlled apparatus as a result of said job-continued by said job-continuing unit in said database by associating said response data with said control information saved in said database (col. 9, lines 31-35); and a data-recovering unit 112 for creating a recovery

message to be transmitted to said client on the basis of said control information, which is relevant to said request received from said client and is saved in said database, and on the basis of said response data saved in said database and associated with said control information (col. 9, lines 37-40).

18. As per claim 2, Hesselink discloses a server according to claim 1, further comprising a connection-management unit (Fig. 1B, item 114) for monitoring a state of connection between said server and said client (col. 8, lines 14-22), wherein, when said connection-management unit detects an abnormal state of connection between said server and said client, said job-continuing unit continues a job of controlling said controlled apparatus on the basis of said control information, which is relevant to said request received from said client and is saved in said database (col. 5, lines 53-54).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Server for controlling control object apparatus on client demand".

- i. US 6,182,086 B1 Lomet et al.
- ii. US 6,278,988 B1 Lau et al.
- iii. US 6,272,386 B1 McLaughlin et al.
- iv. US 6,591,150 B1 Shirota, Masahiko
- v. US 6,760,634 B2 Cook et al.
- vi. 5,734,810 Tanaka et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac R Clark whose telephone number is (571)272-3961. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IRC

LARRY D. DONAGHUE
PRIMARY EXAMINER

